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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,360	11/19/2003	Richard R. Bijjani	L0632.70001US03	6710
7590	03/23/2005		EXAMINER HO, ALLEN C	
Randy J. Pritzker Wolf, Greenfield & Sacks, P.C. 600 Atlantic Avenue Boston, MA 02210			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/717,360	Applicant(s) BIJJANI ET AL.	
	Examiner Allen C. Ho	Art Unit 2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 19-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 19-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 18, 19, 20, 29, 30, 31, 32, 40, and 41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

3. Claims 1, 18, 19, 20, 29, 30, 31, 32, 40, and 41 recite the CT scanner comprises at least one processor that determines one or more locations for at least one CT scan. There is no support in the specification for a CT scanner that determines one or more locations for at least one CT scan without receiving information from a second scanner. A CT scanner as claimed was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

4. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for x-ray scanners, does not reasonably provide enablement for a device. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims.

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5. Claim 1 claims a device that scans an object and generates information about the object from the scan. However, the entire specification is devoted to describing x-ray scanners and processing data (*e. g.*, density, effective atomic number) obtained by x-ray scanners to determine a threat. There is no support for using any other types of scanners (*e. g.*, radar, optical light, ultrasound), which would yield totally different types of data. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 18-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Peschmann (U. S. Patent No. 5,367,552).

With regard to claim 1, Peschmann disclosed an explosive detection system comprising: a communication medium comprising an Ethernet link (column 6, lines 4-9), which connects a slip ring (58), a motion control (22), a stationary control module (60), object detection system (26), an object reconstruction system (28), and a 3D reconstruction computer (94); a device (10) coupled to the communication medium that scans an object and generates information about the object from the scan; and an external computer (26), located remotely from the device, that

receives the information over the communication medium and implements an algorithm to make a threat determination about the object (column 6, lines 10-34).

With regard to claim 18, Peschmann disclosed a threat detection system comprising: a communication medium (linking different components in the system); at least one computed tomography (CT) scanner (24) coupled to the communication medium, the CT scanner comprising at least one processor (26) that determines one or more locations for the at least one CT scan (102); and a computer (28), remote from the CT scanner and coupled to the communication medium, that receives the data from the CT scanner via the communication medium and implements an algorithm that performs a threat determination about the object based at least partially on the data (column 6, lines 10-34).

With regard to claims 19 and 20, Peschmann disclosed a threat detection system comprising: a communication medium (linking different components in the system); at least one computed tomography (CT) scanner (24) coupled to the communication medium, the CT scanner comprising at least one processor (26) that determines one or more locations for the at least one CT scan (102); and a computer (28), remote from the CT scanner and coupled to the communication medium, that receives the data from the CT scanner via the communication medium and implements an algorithm that processes the data in a manner to facilitate automatically performing a threat determination about the object (column 6, lines 10-34).

With regard to claims 31 and 32, Peschmann disclosed a method of making a threat determination about an object, the method comprising the steps of: (A) performing a computed (CT) scan of the object using a CT scanner (24), the CT scanner comprising at least one processor (26) that determines the locations for the CT scan (102); (B) transmitting the data from

the CT scanner over a communication medium to a remote computer (28); and (C) processing the data, via the remote computer, in a manner to facilitate automatically performing a threat determination about the object (column 6, lines 10-34).

With regard to claims 21, 22, 33, and 34, Peschmann disclosed the threat determination system of claim 19 and the method of claim 31, further comprises a second scanner (24A), wherein the computer receives second data from the second scanner, and wherein the algorithm processes the second data to perform the threat determination about the object based partially on the second data.

With regard to claims 23 and 35, Peschmann disclosed the threat determination system of claim 22 and the method of claim 34, wherein the second scanner is a dual energy x-ray device (column 10, line 47-68).

With regard to claims 24 and 36, Peschmann disclosed the threat determination system of claim 22 and the method of claim 34, wherein the second scanner is a line scanning x-ray device (32).

With regard to claims 25, 28, and 37, Peschmann disclosed the threat determination system of claim 22 and the method of claim 34, wherein the data from the CT scanner comprises density information representative of the object (column 7, line 65 - column 8, line 2).

With regard to claims 26 and 38, Peschmann disclosed the threat determination system of claim 25 and the method of claim 37, wherein the second data comprises effective atomic number information representative of the object (column 10, line 47-68).

With regard to claims 27 and 39, Peschmann disclosed the threat determination system of claim 25 and the method of claim 37, wherein the second data comprises mass information representative of the object (column 8, lines 26-40).

With regard to claims 29, 30, 40, and 41, Peschmann disclosed the threat determination system of claim 19 and the method of claim 31, wherein the communication medium comprises an Ethernet link (column 6, lines 4-9).

Response to Arguments

8. Applicant's arguments filed 14 March 2005 have been fully considered but they are not persuasive.

Applicants argue that the workstation (64) is not a computer remote from the CT scanner and the remote computer (28) does not process data to facilitate automatic threat detection, but only reconstructs data to present it in a form viewable by a human operator. The examiner disagrees. At what distance away from the CT is a computer qualified as a remote computer? It simply cannot be quantified. Therefore, the examiner does not give any patentable weight to "remote" because it fails to set forth additional structural limitation. The computer disclosed by Peschmann reconstructs and displays the object to a human operator for additional interpretation. Thus, the computer processes data to facilitate automatic threat detection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen C. Ho whose telephone number is (571) 272-2491. The examiner can normally be reached on Monday - Friday from 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward J. Glick can be reached at (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Allen C. Ho
Primary Examiner
Art Unit 2882

19 March 2005